

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1398 be amended to read as follows:

- 1 Page 4, line 8, delete "[EFFECTIVE UPON PASSAGE]" and insert
- 2 "[EFFECTIVE JULY 1, 2009]".
- 3 Page 5, line 8, strike "subsection (d)," and insert "**subsections (d)**
- 4 **and (f),**".
- 5 Page 5, line 9, after "periods" insert "**beginning after June 30,**
- 6 **2009, and**".
- 7 Page 5, line 32, after "whether" insert "**the amount of deductions**
- 8 **from the immediately preceding qualified reporting period that are**
- 9 **subject to reimbursement under IC 15-15-12-30.5(f) and**".
- 10 Page 5, line 35, delete "would" and insert "**will**".
- 11 Page 6, between lines 8 and 9, begin a new paragraph and insert:
- 12 "**(f) The budget agency may suspend the deduction program**
- 13 **under subsection (c) STEP TWO for a particular year at any time**
- 14 **during a qualified reporting period if the budget agency**
- 15 **determines that the amount of money in the retail merchant E85**
- 16 **deduction reimbursement fund and the amount of money that will**
- 17 **be transferred to the fund on July 1 will not be sufficient to**
- 18 **reimburse the deductions expected to occur before the deduction**
- 19 **program for the year ends on March 31. The budget agency shall**
- 20 **immediately provide notice to the participating retail merchants of**
- 21 **the decision to suspend the deduction program for that year.**".
- 22 Page 6, delete lines 29 through 42.
- 23 Page 7, delete lines 1 through 24.
- 24 Page 7, line 28, after "established." insert "**The fund consists of:**

1           **(1) assessments transferred by the council for deposit in the**  
 2           **fund under section 32.5 of this chapter;**

3           **(2) gifts; and**

4           **(3) grants."**

5           Page 7, line 29, delete "The fund consists of money transferred from  
 6           the Indiana"

7           Page 7, delete line 30.

8           Page 7, line 33, delete "Before" and insert "**On**".

9           Page 8, line 4, after "fund" insert "**on May 1**".

10          Page 8, line 8, delete "transfer from the Indiana corn market  
 11          development account" and insert "**deduct from any amounts**  
 12          **transferred for deposit into the fund in the remainder of that**  
 13          **calendar year**".

14          Page 8, line 9, delete "established under section 30 of this chapter".

15          Page 8, line 10, delete "Money in the state general fund may not be"  
 16          and insert "**The budget agency shall transfer any amounts deducted**  
 17          **under this subsection for deposit in the same manner as state gross**  
 18          **retail and use taxes are required to be deposited under**  
 19          **IC 6-2.5-10-1.**".

20          Page 8, delete line 11.

21          Page 8, line 13, delete "Indiana corn" and insert "**council**".

22          Page 8, delete lines 14 through 15, begin a new paragraph and  
 23          insert:

24          "SECTION 8. IC 15-15-12-32.5 IS ADDED TO THE INDIANA  
 25          CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 26          [EFFECTIVE JULY 1, 2009]: **Sec. 32.5. On July 1, 2010, and each**  
 27          **year thereafter, the council shall transfer five hundred thousand**  
 28          **dollars (\$500,000) to the budget agency for deposit in the retail**  
 29          **merchant E85 deduction reimbursement fund established by**  
 30          **section 30.5 of this chapter.**".

31          Page 9, between lines 12 and 13, begin a new paragraph and insert:

32          "SECTION 11. IC 15-15-12-30 IS REPEALED [EFFECTIVE  
 33          AUGUST 1, 2009]

34          SECTION 12. [EFFECTIVE AUGUST 1, 2009] **(a) On August 1,**  
 35          **2009, the budget agency shall transfer any remaining balance in**  
 36          **the Indiana corn market development account established under**  
 37          **IC 15-15-12-30 (before its repeal) to the retail merchant E85**

1     **deduction reimbursement fund established by IC 15-15-12-30.5, as**  
2     **added by this act.**

3     **(b) This SECTION expires January 1, 2010."**

4     Renumber all SECTIONS consecutively.

(Reference is to HB 1398 as printed February 18, 2009.)

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Representative Pearson